

U.S. Patent Application No. 10/081,983

REMARKS

The Office Action mailed 07/09/2004 has been received and carefully considered. Upon entry of the preceding amendments, claims 1-6 are currently pending.

I. Claim Amendments

Claim 1 has been amended. Support for new claim 1 is found at least on page 2 of the specification as originally filed. No new matter is added by way of this amendment. Claim 6 has been cancelled.

II. Rejection under 35 U.S.C. 103(a)

Claims 1-5 stand rejected as alleged to be unpatentable over U.S. Patent No. 5,882,794 to Hernandez et al. ("Hernandez") in view of U.S. Patent No. 5,683,811 to Hernandez et al. Claim 6 is rejected as obvious to one of ordinary skill in the art. Examiner maintains one skilled in the art would have tried to optimize the staple pad friction parameter, recited by Claim 6, and not found in either reference. The Applicant respectfully traverses this rejection.

Applicant's claimed invention is directed to a filled article comprising a non-clustered, blown super slickened fiber having a denier per filament of 3 or less, characterized by a curvilinear crimp structure and a staple pad friction less than 0.19. While a slickened quality is measured by staple pad friction, it is a staple pad friction of less than 0.19 which distinguishes super slickened fibers.

Hernandez et al. U.S. Patent No. 5,683,811 teaches a process for preparing filaments having "curvilinear" crimp for use mainly in the formation of batting for pillows. Hernandez et al. U.S. Patent No. 5,683,811 teaches

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slickening the drawn filaments with a polyaminosiloxane known in the art, followed by batting formation. In general, the Hernandez et al. '811 fibers were of much higher denier per filament and with a higher staple pad friction than the Applicant's invention regardless of the level of slickening agent, given by the "% silicon" in Table 1A and Table 2. Furthermore, Hernandez et al. '811 teaches away from the Applicant's invention and the use of super slickened fibers, see Example 3. Hernandez et al. in U.S. Patent No. 5,683,811 introduces a blend of slickened and unslickened fibers to make battings since the slickening gives "such weak web cohesion that some find it difficult to combine the webs into batting", see Example 3, Column 12, lines 47- 53. As a result, U.S. Patent No. 5,683,811 cannot be a teaching of the super slickened fibers of the Applicant's invention which are best suited for blowing into the article in a non-clustered configuration. Clearly, the super slickened non-clustered fibers used to make the Applicant's claimed filled article requiring blown fibers and is readily differentiated from Hernandez et al. '811 batting filled article. Thus, the skilled person would not have arrived at the Applicant's invention by a process of routine experimentation. Guided by the combined teachings of Hernandez '794 and Hernandez et al. '811 the skilled person would not find the required elements of Applicant's currently amended claim 1.

Accordingly, Applicant respectfully submits that these rejections should be withdrawn.

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CONCLUSION

For at least the reasons stated above, claims 1-5 are in condition for allowance. Accordingly, Applicant respectfully requests that the amendments be entered and the Application be allowed and passed to issue. In the event any outstanding issues remain, Applicant would appreciate the courtesy of a telephone call to Applicant's undersigned representative to resolve such issues in an expeditious manner.

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Respectfully submitted,

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